REMARKS

Claims 1-33 were originally submitted.

No claims are canceled or amended.

No new claims have been added.

Claims 1-33 remain in this application.

35 U.S.C. §102

Claims 1-5, 8-15, 18-21, and 25-33 are rejected under 35 U.S.C. 102(e) as being anticipated to by U.S. published application 2002/0032232 to Zombek et al (Zombek). Applicants respectfully traverse the rejection.

Independent claim 1 recites in part "a network gateway, coupled to each of the server and the wireless host, to establish a communication channel from the server to the wireless host through both the wireline network and the wireless network, wherein the communication channel includes a transport layer protocol with control parameters for each of the wireline network and the wireless network".

Zombek teaches a messaging system that includes a client device having a client application; a server having a server application, and a plurality of wireless networks. The system may support one or more wireless network access protocols by specific protocol gateways. In particular, Zombek is directed to providing communication (i.e., communicated messages) between the client application and the server application over a selected wireless network protocol through a protocol gateway independent of the selected wireless network protocol. See paragraph [0016] of Zombek.

Zombek, in particular, teaches a number of protocol gateways which support different network access protocols. See paragraph [0072] of Zombek. In specific, different protocol gateways are provided for each of the network access protocols that the system supports. See paragraph [0073] of Zombek.

Claim 1 recites "a network gateway, coupled to each of the server and the wireless host, to establish a communication channel from the server to the wireless host through both the wireline network and the wireless network".

The Office presents that the "network gateway" is taught by Zombek, citing paragraph [0021] lines 9-11 of Zombek. However, in this cited section of Zombek, there is no mention of a network gateway, a protocol gateway, or any other component that functions as a gateway. The particular section specifically recites "[a]ccess to the intelligent messaging network of the present invention can be via wireless client devices or via a dial up or leased line or other wireline connection coupled via ..."

Regardless, the protocol gateway that is taught in Zombek is one of multiple protocol gateways that are network access protocol specific. Each gateway is used to connect to and support a particular network access protocol. Zombek fails to disclose or teach that a protocol gateway is able to "to establish a communication channel from the server to the wireless host through both the wireline network and the wireless network". Since the protocol gateway of Zombek is specific to a particular network access protocol, the protocol gateway would not be able to establish a communication channel from the server to the wireless host and support a wireline network and a wireless network – both of which implement different network access protocols.

Accordingly, Zombek does not teach every element of claim 1, and the rejection of claim 1 is therefore improper. Applicants respectfully request that the §102 rejection of claim 1 be withdrawn.

Dependent claims 2-5, 8-15, and 18 depend from and comprise all the elements of claim 1. As such, dependent claims 2-5, 8-15, and 18 are allowable by virtue of their dependency on base claim 1. Applicants respectfully request that the §102 rejection of claims 2-5, 8-15, and 18 be withdrawn.

Independent claim 19 recites in part "establishing a communication channel to service the request between the wireless host and the network server over a wireless network and a wireline network coupled to the server".

The Office presents the same argument used in the rejection of claim 1, in rejecting claim 19. Applicants present the arguments presented above in support of claim 1 in support of claim 19. In particular, Applicants present that Zombek fails to teach establishing a communication channel over a wireless network and a wireline, as discussed above in support of claim 1.

Accordingly, Zombek does not teach every element of claim 19, and the rejection of claim 19 is therefore improper. Applicants respectfully request that the §102 rejection of claim 19 be withdrawn.

Dependent claims 20-21, and 25-29 depend from and comprise all the elements of claim 19. As such, dependent claims 20-21, and 25-29 are allowable by virtue of their dependency on base claim 19. Applicants respectfully request that the §102 rejection of claims 20-21, and 25-29 be withdrawn.

Independent claim 30 recites in part "a fading parameter which, when asserted, provides a receiving network element with an indication that a communicatively coupled wireless host just emerged from a fading condition".

The Office presents that the same arguments that are presented in rejecting claims 3, 6, and 8, are presented in the §102 rejection of claim 30; however, there is no mention in these arguments as to where Zombek teaches or discloses a fading parameter as recited in claim 30.

Accordingly, Zombek does not teach every element of claim 30, and the rejection of claim 30 is therefore improper. Applicants respectfully request that the §102 rejection of claim 30 be withdrawn.

Dependent claims 31-32 depend from and comprise all the elements of claim 30. As such, dependent claims 31-32 are allowable by virtue of their dependency on base claim 30. Applicants respectfully request that the §102 rejection of claims 31-32 be withdrawn.

Independent claim 33 recites in part "a fading parameter which, when asserted, provides a receiving network element with an indication that a communicatively coupled wireless host just emerged from a fading condition".

The Office presents the same arguments that are presented in rejecting claim 1, in the rejection of claim 33; however, there is no mention in these arguments as to where the fading parameter as recited in claim 33 is taught or disclosed.

Accordingly, Zombek does not teach every element of claim 33, and the rejection of claim 33 is therefore improper. Applicants respectfully request that the §102 rejection of claim 33 be withdrawn.

35 U.S.C. §103

Claims 6-7, 16-17, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zombek as applied to claim 1 above, and in further view of U.S. published application 2002/0097722 to Liao et al.

Claims 6-7 and 16-17 depend from base claim 1 and therefore comprise the element "a network gateway, coupled to each of the server and the wireless host, to establish a communication channel from the server to the wireless host through both the wireline network and the wireless network, wherein the communication channel includes a transport layer protocol with control parameters for each of the wireline network and the wireless network".

Liao is particularly cited by the Office for its teaching of a system to identify degradation in transmission quality in a wireless network component resulting from fading and/or multipath conditions, and to issue a fading condition control parameter to the network via a transport layer protocol. Liao paragraph [0104], lines 1-11.

However, Liao provides no assistance in light of Zombek as to the recited systems of claims 6-7 and 16-17. Since Zombek does not teach "a network gateway ... to establish a communication channel from the server to the wireless host through both the wireline network and the wireless network, wherein the communication channel includes a transport layer protocol with control parameters for each of the wireline network and the wireless network", it would not have been obvious to combine the "system to identify degradation in transmission quality in a wireless network component resulting from fading and/or multipath conditions, and to issue a fading condition control parameter to the network via a transport layer protocol" taught by Liao.

Accordingly, a combination of Zombek and Liao is improper. Applicants respectfully request that the §103 rejection of claims 6-7 and 16-17 be withdrawn.

Claims 22-24 depend from base claim 19 and therefore comprise the element "establishing a communication channel to service the request between the wireless host and the network server over a wireless network and a wireline network coupled to the server".

The Office presents the same arguments in rejection of claims 6-7 and 16-17 in rejecting claims 22-24. Applicants present the arguments in support of claims 22-24 in support of claims 6-7 and 16-17.

Accordingly, a combination of Zombek and Liao is improper. Applicants respectfully request that the §103 rejection of claims 22-24 be withdrawn.

CONCLUSION

All pending **claims 1-33** are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the subject application. If any issues remain that prevent issuance of this application, the Examiner is urged to contact the undersigned attorney before issuing a subsequent Action.

Respectfully Submitted,

Dated: 11/15/04 By: _____

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